

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:22-CR-071 RWS
	)	
JAMES T. SCHOGGINS	)	
	)	
Defendant.	)	

**JAMES SCHOGGINS'S SENTENCING MEMORANDUM**

Mr. Schoggins, through counsel, hereby respectfully requests a downward variance, based upon the plea agreement and the [18 U.S.C. § 3553](#) (a) factors. Mr. Schoggins requests a sentence of 60 months imprisonment. In support, the defense states the following:

1. **Military Service:** Immediately after graduating high school in 1999, Mr. Schoggins joined the U.S. Navy. It changed his life. In his youth, Mr. Schoggins had been shy. He had struggled in school and lacked clear direction. But in the Navy, he excelled. He rose through the ranks quickly, and he learned technical skills that taught him how to build and maintain airplanes. In particular, he learned how to provide maintenance for the Lockheed P-3 Orion. After a tour of duty in Iraq, he joined a team that serviced the P-3 Orion.

- a. Mr. Schoggins loved this job, and he decided he was a lifer. Tis would be his career. “That was my life, my career, what I was good at.”
- b. But in 2013, The U.S. Navy phased out the P-3 Orion in favor of the new P-8 Poseidon. Budget cuts followed, and Mr. Schoggins was laid off. That year Mr. Schoggins and 4 thousand other Navy service-members were “involuntarily separated” from the Navy. He was honorably discharged, but not by choice.
- c. Just 7 years away from his expected retirement, Mr. Schoggins found himself unemployed. He had trouble finding a civilian job. His marriage began to fall apart. Looking back, he can see that he had become “very depressed”, but he never sought treatment. Instead, he isolated and turned to alcohol.

2. **Drug & Alcohol Dependence:** Mr. Schoggins went from drinking only occasionally, to getting drunk every day. He sometimes smoked marijuana, but his substance of choice was alcohol. He now recognizes he had developed a serious problem with alcohol, but again, he never sought treatment. Instead, at the end of each day, he hid in his room, logged on to his computer, and drank until he fell asleep. It was during this period that Mr. Schoggins began to communicate with women in chat rooms, on messaging apps, and in online forums. And soon after that, Mr. Schoggins began to trade pornographic pictures with strangers online.

3. **Offense Behavior:** “I was feeling depressed and lonely in my marriage. And that is pretty much how everything started,” recalls Mr. Schoggins. He remembers finding a website where he could talk anonymously. Then he used phone apps. At first, he was trying to meet women. He noticed that most people online were much younger than him, and many of the people were underage, so he started pretending to be underage and “it went from there.” He began exchanging pictures in anonymous forums, and “it became a game, became an addiction.” “It’s what I did; I would be bored, so I’d get on my phone, start chatting online,” and it became “almost like a cell phone game.” That’s how it seemed at the time.

- a. Mr. Schoggins grew more reckless with his behaviors online. He began accumulating large amounts of pictures and videos - many of which he found uninteresting or outright disgusting - just so he could trade for files that he wanted. He also continued his online correspondence with A.K., deceiving himself that he was not hurting anyone and that he had a real connection – something close to an actual relationship – with A.K..
- b. Finally, in December of 2020, detectives from the St. Charles County Police Department contacted Mr. Schoggins at his home. When the officers asked to search his cell phone, he realized the trouble he was facing. “I was so scared. I had barely had a traffic ticket before this.” He admitted to possessing CP, both on his computer and his cell phone.

He turned his devices over to the police, and he waited for them to finish their investigation. He contacted his family members to explain what he was facing, and on March 7, 2022, he was finally arrested in this federal case. He has been in jail ever since.

4. **Remorse:** Mr. Schoggins feels deep and painful remorse for his actions. When asked now about his offense behaviors, Mr. Schoggins replies, “Despicable; I shouldn’t have been doing it. I realize now it was wrong. I was probably hurting anybody I was talking to. [Even] the people I was trading with. I was stupid and not right. I’m disgusted with myself.”
  - a. Mr. Schoggins expresses particular remorse for the harm he caused to A.K.. Now that his own children are teenagers, he recognizes just how extensively he must have hurt A.K. and how those emotional injuries will affect her in the future.
  - b. But Mr. Schoggins has hope. As described more fully below, he has a good home plan, he is employment ready, and - most prominently - he is motivated to begin treatment. He previously did not realize treatment was available for his situation. And his only expressed concern with the delay in this case has been his desire to begin treatment as soon as possible. “I just want to learn how to do things a different way. How to communicate better. And make sure nothing like this can ever happen again.” There is reason to believe it never will.

5. **Risk of Recidivism:** Dr. Amy Griffith, Ph.D. is a forensic psychologist specializing in risk assessment of people convicted of sexually motivated offenses. Dr. Griffith conducted a risk assessment of Mr. Schoggins. She reviewed relevant records, conducted a forensic interview with Mr. Schoggins, and scored him on 3 appropriate risk analysis tools: The CPORT (*Child Pornography Offender Risk Tool*), The Static-99R, and The Stable-2007. She utilized a statistically supported Combined Standardized Risk Level that combines the Static-99R and the Stable-2007, and **overall** found Mr. Schoggins to be of **Average Risk**. Dr. Griffith explains, “The risk of Mr. Schoggins can be described by examining absolute recidivism of reoffending over a specific time period. Out of 100 individuals convicted of sexually motivated offenses with the same risk profile as Mr. Schoggins, 7.5 would be expected to recidivate sexually over five years. Conversely, **92.5 out of 100 would not recidivate sexually after 5 years in the community.**” (emphasis added). In other words, in the populations studied, people like Mr. Schoggins did not recidivate in the first 5 years in the community 92.5% of the time.

- a. This risk can be mitigated further through treatment, supervision, and other interventions like internet monitoring. Mr. Schoggins fully expects such conditions to be placed on him while on supervised release, possibly for the rest of his life.

6. **Non-Violent Offender/ Issues with Criminal History:** Mr. Schoggins has no history of violence. He has no previous convictions. He has never been to prison before.
7. **Family Ties/Responsibilities:** Instead, Mr. Schoggins has spent his adult life working to support his family. He currently has two minor children. He recognizes contact with his children may be limited – or at least different – after this case. But he is nevertheless committed to supporting them financially.
  - a. Mr. Schoggins would like to pursue a welding certification while in the Bureau of Prisons. He has previous welding experience. He has shown a natural aptitude for this skill, he enjoys doing it, and his body will be able to handle this work well into the second half of his life.
  - b. Mr. Schoggins plans to move back to his parents' home when he is first released from prison. His parents support this plan and are financially stable enough to help support Mr. Schoggins while he gains a foot hold in the work force.
  - c. Mr. Schoggins is committed to staying sober. He recognizes the role alcohol played in his isolation and, eventually, his offense behavior.
  - d. Mr. Schoggins is also committed to engaging in counseling and treatment to ensure he has the mental and emotional coping skills to remain offense-free for the rest of his life.

- e. He understands his internet use will likely be monitored, and he invites such scrutiny. “My focus is to have a happy life where nothing like this happens ever again.”

WHEREFORE Mr. Schoggins, through counsel, hereby respectfully requests a downward variance, based upon the plea agreement and the 18 U.S.C. § 3553 (a) factors. Mr. Schoggins requests a sentence of 60 months imprisonment, to be followed by a term of supervised release.

Respectfully submitted,

/s/Charles J. Banks  
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ATTORNEY FOR DEFENDANT

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 25th, 2023, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court’s electronic filing system upon Jillian Anderson, Assistant United States Attorney.

/s/Charles J. Banks  
CHARLES J. BANKS, #60027MO  
Assistant Federal Public Defender

